

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **18-31005**

Judge **Michael B. Kaplan**

Rodriguez, Nelson

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **August 5, 2020**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **DES**

Initial Debtor: **NR**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor has paid **\$2,225.00** to date. Debtor shall pay \$ **120.00** per **month** to the Chapter 13 Trustee, starting on **9/01/2020** for approximately **38** months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____
☐ Refinance of real property
 Description:
 Proposed date for completion: _____
☒ Loan modification with respect to mortgage encumbering property
 Description: **713 Larchmont Street, Toms River, NJ 08757**
 Proposed date for completion: **3/01/2021**
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ **1400.00** to be paid directly by the debtor(s) outside the Plan, pre-confirmation to **Shellpoint Mortgage Servicing** (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Straffi & Straffi	Administrative Expense	3,900.00
Standing Chapter 13 Trustee	507(a)(1) Admin Exp.	To be determined

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [] NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint Mortgage Servicing	718 Larchmont St, Toms River, NJ 08757-2631	56,276.93	0.00%	0.00	1,400.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim

shall discharge the corresponding lien.

e. Surrender [X] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan [X] NONE

The following secured claims are unaffected by the Plan:

None

g. Secured Claims to Be Paid in Full Through the Plan [X] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
Dept of Ed / 582 / Nelnet	Student Loan	Outside of Plan	30,417.00
Dept of Ed / 582 / Nelnet	Student Loan	Outside of Plan	24,259.00

Part 6: Executory Contracts and Unexpired Leases [X] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions [] NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and

transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**

6) General Unsecured Claims

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 8/04/2020

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
Plan is being modified to extend the loss mitigation period another six (6) months.	Plan was modified by allowing another six (6) months for Debtor to obtain a loan modification.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: August 5, 2020

/s/ Nelson Rodriguez
Debtor

Date: August 5, 2020

Joint Debtor

Date: August 5, 2020

/s/ Daniel E. Straffi, Jr.
Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Nelson Rodriguez
DebtorCase No. 18-31005-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 37

Date Rcvd: Aug 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 08, 2020.

db Nelson Rodriguez, 718 Larchmont St, Toms River, NJ 08757-2631
lm +Shellpoint Mortgage, Shellpoint Mortgage Servicing, 55 Beattie Place, Suite 500, MS-501, Greenville, SC 29601-5116

517828738 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, Attn: Bankruptcy, PO Box 982238, El Paso, TX 79998-2238)

517828739 BankAmerica, 4909 Savarese Cir, Tampa, FL 33634-2413
517828749 Fed Loan Serv, PO Box 60610, Harrisburg, PA 17106-0610
517828750 FedLoan Servicing, Attn: Bankruptcy, PO Box 69184, Harrisburg, PA 17106-9184
517828752 #KML Law Group, PC, 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812
517828758 Newpennfin-shellpointm, 75 Beattie Pl Ste 300, Greenville, SC 29601-2138
517828759 Shellpoint Mortgage Servicing, Attn: Bankruptcy, PO Box 10826, Greenville, SC 29603-0826
517828760 Specialized Loan Servi, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
517828761 Specialized Loan Servicing/Sls, Attn: Bankruptcy Dept, 8742 Lucent Blvd # 300, Highlands Ranch, CO 80129-2386

517828762 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Toyota Financial Services, PO Box 8026, Cedar Rapids, IA 52408-8026)

517828763 Toyota Motor Credit Co, PO Box 9786, Cedar Rapids, IA 52409-0004
517828764 ++WELLS FARGO BANK NA, 1 HOME CAMPUS, MAC X2303-01A, DES MOINES IA 50328-0001
(address filed with court: Wells Fargo Bank, Attn: Bankruptcy Dept, PO Box 6429, Greenville, SC 29606-6429)

517828765 Wf Efs, PO Box 5185, Sioux Falls, SD 57117-5185

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 07 2020 00:28:00 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 07 2020 00:27:56 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

517828737 E-mail/Text: g20956@att.com Aug 07 2020 00:28:24 AT & T Mobility, PO Box 537104, Atlanta, GA 30353-7104

517828736 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Aug 07 2020 00:27:41
Americredit/Gm Financial, Attn: Bankruptcy, PO Box 183853, Arlington, TX 76096-3853

517828740 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 07 2020 00:34:02 Capital One, 15000 Capital One Dr, Richmond, VA 23238-1119

517828741 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 07 2020 00:34:59 Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285

517925748 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 07 2020 00:34:02 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083

517828742 E-mail/Text: electronicbkydocs@nelnet.net Aug 07 2020 00:28:01 Dept of Ed / 582 / Nelnet, Attn: Claims, PO Box 82505, Lincoln, NE 68501-2505

517828743 E-mail/PDF: pa_dc_ed@navient.com Aug 07 2020 00:35:05 Dept of Ed / Navient, Attn: Claims Dept, PO Box 9635, Wilkes Barre, PA 18773-9635

517828744 E-mail/PDF: pa_dc_ed@navient.com Aug 07 2020 00:35:07 Dept of Ed/Navient, PO Box 9635, Wilkes Barre, PA 18773-9635

517828745 E-mail/Text: electronicbkydocs@nelnet.net Aug 07 2020 00:28:01 Dept of Education/Nelnet, 121 S 13th St, Lincoln, NE 68508-1904

517938260 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 07 2020 00:34:40 Directv, LLC, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

517828746 E-mail/Text: mrdiscen@discover.com Aug 07 2020 00:27:23 Discover Fin Svcs LLC, PO Box 15316, Wilmington, DE 19850-5316

517828747 E-mail/Text: mrdiscen@discover.com Aug 07 2020 00:27:23 Discover Financial, PO Box 3025, New Albany, OH 43054-3025

517828748 E-mail/Text: bankruptcynotices@dcicollect.com Aug 07 2020 00:28:23 Diversified Consultant, 10550 Deerwood Park Blvd, Jacksonville, FL 32256-0596

517828751 E-mail/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM Aug 07 2020 00:27:41 Gm Financial, PO Box 181145, Arlington, TX 76096-1145

517828754 E-mail/PDF: pa_dc_claims@navient.com Aug 07 2020 00:35:05 Navient, PO Box 9500, Wilkes Barre, PA 18773-9500

517828753 E-mail/PDF: pa_dc_claims@navient.com Aug 07 2020 00:34:11 Navient, Attn: Bankruptcy, PO Box 9000, Wilkes Barre, PA 18773-9000

517828755 E-mail/PDF: pa_dc_claims@navient.com Aug 07 2020 00:34:34 Navient Solutions Inc, PO Box 9500, Wilkes Barre, PA 18773-9500

517828756 E-mail/Text: electronicbkydocs@nelnet.net Aug 07 2020 00:28:01 Nelnet, Attn: Claims, PO Box 82505, Lincoln, NE 68501-2505

517828757 E-mail/Text: electronicbkydocs@nelnet.net Aug 07 2020 00:28:01 Nelnet Lns, PO Box 1649, Denver, CO 80201-1649

517857145 +E-mail/Text: electronicbkydocs@nelnet.net Aug 07 2020 00:28:01 US Department of Education c/o Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911

TOTAL: 22

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 37

Date Rcvd: Aug 06, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

aty* +KML Law Group PC, 216 Haddon Ave, Suite 406, Westmont, NJ 08108-2812

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 08, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 5, 2020 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Daniel E. Straffi on behalf of Debtor Nelson Rodriguez bkclient@straffilaw.com,
G25938@notify.cincompass.com;familyclient@straffilaw.com;bktrustee@straffilaw.com
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES,SERIES 2007-13
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES,SERIES
2007-13 kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6